

**CENTRAL ADMINISTRATIVE TRIBUNAL
LCUKNOW BENCH, LUCKNOW**

Original Application No. 294 of 2011

This the day of 24th November, 2016

**Hon'ble Mr. Justice V.C. Gupta, Judicial Member
Hon'ble Mr. K.N. Srivastava, Administrative Member**

Shio Prasad Gupta, aged about 61 years, S/o Sri Kalika Prasad Gupta, R/o Sheikhpur Kaisala, P.O Indra Nagar, Lucknow.

....Applicant
BY Advocate Sri R. S. Gupta.

Versus

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Director of Accounts, Postal U.P. Circle Aliganj, Lucknow.
3. Superintendent of Post Offices, Sitapur.
4. Postmaster, Sitapur.

...Respondents
By Advocate: Sri S. L. Mishra.

ORDER (Oral)

Per Hon'ble Mr. Justice V. C. Gupta, JM:

Heard the Ld. Counsel for the parties. It is a case that the applicant has retired as a Postal Assistant on 31.07.2010. A recovery of Rs. 44,072/- was made from the applicant in pursuance of an order dated 5.7.2010 which is annexed as Annexure A-1 and is under challenge in this O.A.



2. The recovery was admittedly made after the retirement of the applicant. There is nothing on record to demonstrate that before making any recovery due to wrong fixation of pay of the applicant post his retirement any notice has ever been given to him.
3. The Ld. Counsel for the respondents relied upon an undertaking of the applicant dated 18.9.2008 at the time of granting to him the benefits of 6th CPC and on that score it has been argued that there is no need to issue any show -cause notice.
4. It is not in dispute that recovery of the amount had commenced from the year 2002 and the entire amount has been recovered since then. The same is not protected under the alleged undertaking.
5. Hence, we direct ~~that~~ the respondents to furnish details of re-fixation of pay within two weeks from the date of passing of this order. Thereafter, within 2 weeks, the applicant would be entitled to make a representation against the said fixation. Such representation shall be disposed of within 3 months in accordance with law. In case, the respondents allow the representation, they shall refund the recovered amount within one month thereafter.
6. With this observation, the O.A. is disposed of. No costs.



(K. N. Srivastava)
Member (A)



(Justice V. C. Gupta)
Member (J)